

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Prentice Wheatley,

Civil No. 12-880 (DWF/AJB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION
ON SECOND AND THIRD
MOTIONS FOR
INJUNCTIVE RELIEF**

Michelle Smith, Stephen Craane, Keith Krueger,
David Paulson, Nanette Larson, Kathy Reid,
Scott Schantzen, Sgt. Adam Murphy, Steve
McCarty, Mike McMahon, Steve Hammer,
David Reishus, and Vuthy Long,

Defendants.

This matter is before the Court on Plaintiff Prentice Wheatley's ("Plaintiff") objections (Doc. No. 140) to Chief Magistrate Judge Arthur J. Boylan's January 4, 2013 Report and Recommendation (Doc. No. 129) insofar as it recommends that Plaintiff's Second Motion for Preliminary Injunction and/or Protective Order (Doc. No. 76) be denied and Plaintiff's Restraining Order Supplemental Motion (Doc. No. 87) be denied. Defendants Stephen Craane, M.D., and Keith Krueger, M.D., filed a response to Plaintiff's objections on February 1, 2013. (Doc. No. 149.) The State Defendants also filed a response to Plaintiff's objections on February 1, 2013. (Doc. No. 151.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Plaintiff argues that the Report and Recommendation is contrary to law, and that Plaintiff is entitled to the Court's intervention to order him removed from disciplinary segregation. In support, Plaintiff maintains that his placement in segregation has resulted in prejudicial restrictions to his access to legal materials and the courts. Plaintiff argues that Chief Magistrate Judge Boylan wrongfully recommended that his motion be denied. Having carefully reviewed the record, the Court concludes that Plaintiff's objections offer no basis for departure from the Report and Recommendation and that Chief Magistrate Judge Boylan correctly determined that Plaintiff failed to carry his burden in establishing the legal requirements for a preliminary injunction.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Prentice Wheatley's objections (Doc. No. [140]) to Chief Magistrate Judge Arthur J. Boylan's January 4, 2013 Report and Recommendation are **OVERRULED**.

2. Chief Magistrate Judge Arthur J. Boylan's January 4, 2013 Report and Recommendation (Doc. No. [129]) is **ADOPTED**.

3. Plaintiff Prentice Wheatley's Second Motion for Preliminary Injunction and/or Protective Order (Doc. No. [76]) is **DENIED**.

4. Plaintiff's Restraining Order Supplemental Motion (Doc. No. [87]) is

DENIED.

Dated: February 21, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge